

11:46 am, Jan 09, 2017

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE

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CHRISTINE J. CASIANO, as Administrator of  
the Estate of Raymond Casiano, Deceased, and  
CHRISTINE J. CASIANO, individually,

**ORDER**

16-cv-1194 (SJF)(ARL)

Plaintiff,

-against-

COUNTY OF NASSAU *et al.*,

Defendants.

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**FEUERSTEIN, District Judge:**

On August 24, 2016, Defendants Armor Correctional Health Services, Inc., Armor Correctional Health Services of New York, Inc., Marylyn Martin-Naar, John P. May, Carl-Henri Sanchez, Michael Parrinello, Biju Jose, Laura Hunt, Ahsan Habib, Michael Francis,<sup>1</sup> Dorothy Mazyck, Andrea Janusz, Jelyn Williams, Denise Brady, Susan Jacob, Lisa Fitzgerald, and Shakim Rivera (collectively, the “Armor Defendants”) filed a motion to dismiss the Complaint in this action pursuant to Fed. R. Civ. P. 8(a) and 8(d), or, in the alternative, to strike certain portions of the Complaint pursuant to Fed. R. Civ. P. 12(f). *See* Docket Entry (“DE”) [30]. Presently before the Court is Magistrate Judge Arlene R. Lindsay’s December 22, 2016 Report and Recommendation (the “Report”) recommending that the Armor Defendants’ motion be denied. DE [52]. For the reasons set forth herein, the Court adopts Magistrate Judge Lindsay’s Report in its entirety.

Pursuant to Fed. R. Civ. P. 72, a magistrate judge may conduct proceedings of dispositive pretrial matters without the consent of the parties. Fed. R. Civ. P. 72(b). The district court may

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<sup>1</sup> Defendant Michael Francis was sued as “John” Francis.

accept, reject, or modify, in whole or in part, the findings and recommendations of the magistrate judge. *DeLuca v. Lord*, 858 F. Supp. 1330, 1345 (S.D.N.Y. 1994); *see also* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Where there are no specific written objections to a magistrate judge's report and recommendation, the district court may accept the findings contained therein as long as the factual and legal bases supporting the findings are not clearly erroneous. *Thomas v. Arn*, 474 U.S. 140, 150, 106 S. Ct. 466, 472 (1985). Therefore, to accept the report and recommendation of a magistrate judge on a dispositive matter to which no timely objection has been made, the district court need only be satisfied that there is no clear error on the face of the record. *See* Fed. R. Civ. P. 72(b); *Johnson v. Goord*, 487 F. Supp. 2d 377, 379 (S.D.N.Y. 2007); *Baptichon v. Nevada State Bank*, 304 F. Supp. 2d 451, 453 (E.D.N.Y. 2004).

No objections to Magistrate Judge Lindsay's December 22, 2016 Report have been filed, and the deadline to object has expired. *See* 28 U.S.C. § 636(b)(1) (requiring that objections be filed within fourteen (14) days of being served with a copy of the report and recommendation); Fed. R. Civ. P. 72(b)(2). Upon review, the Court is satisfied that the Report is not facially erroneous. Therefore, Magistrate Judge Lindsay's Report is adopted in its entirety, and the Armor Defendants' motion is denied.

Dated: Central Islip, New York  
January 9, 2017

**SO ORDERED.**

s/ Sandra J. Feuerstein  
Sandra J. Feuerstein  
United States District Judge